

**SUPREME COURT MINUTES  
WEDNESDAY, NOVEMBER 7, 2001  
SACRAMENTO, CALIFORNIA**

The Supreme Court of California reconvened in the courtroom in the Library and Courts Building, Sacramento, California on Wednesday, November 7, 2001, at 2:00 p.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegard, Chin, Brown, and Moreno.

Officers present: Brian Clearwater, Calendar Coordinator; and Harry Kinney, Supreme Court Marshal.

S091601      Roseanne Hooker, Plaintiff and Appellant  
                 v.  
                 California Department of Transportation, Defendant and Respondent  
                 Cause called. Carol Boyd opened argument for Respondent.  
                 John Carpenter, appearing for Amicus Curiae Associated General  
Contractors of California, continued argument for Respondent.  
                 Michael L. Goldberg argued for Appellant.  
                 Ms. Boyd replied.  
                 Cause submitted.

S091097      Brian McKown, Plaintiff and Respondent  
                 v.  
                 Wal-Mart Stores, Inc., Defendant and Appellant  
                 Cause called. Will Tomlinson opened argued for Appellant.  
                 Fred Hiestand, appearing for Amicus Curiae Civil Justice  
Association, continued argument for Appellant.  
                 Robert H. Pourvali replied.  
                 Cause submitted.

Justice Werdegær, not participating in the consideration of the following case, did not take the bench.

The Honorable J. Anthony Kline, Presiding Justice, Court of Appeal, First Appellate District, Division Two, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S082782 Hartwell Corporation et al., Petitioners  
v.  
Ventura County Superior Court, Respondent  
Kristin Santamaria, Real Party in Interest  
Cause called. David A. Rosen argued for Santamaria Plaintiffs.  
Gary A. Praglin argued for Adler Boswell & Celi Plaintiffs.  
John R. Reese argued for Industrial Defendants.  
Joseph F. Butler argued for non-regulated Water Company  
Defendants.  
Mary Hulett argued for regulated Water Company Defendants.  
Mr. Rosen replied.  
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Justice Kline not participating in the following matters, did not join the bench. All other members of the Court and Officers present as first shown.

S085224 Delaney Geral Marks, Petitioner

v.

Alameda County Superior Court, Respondent  
People, Real Party in Interest

Cause called. Mary Mona, Habeas Corpus Resource Center, argued for Petitioner.

Sharon Wooden, Deputy Attorney General, argued for Respondent/Real Party in Interest.

Ms. Mona replied.

Cause submitted.

S017869 People, Respondent

v.

Kristin William Hughes, Appellant

Cause called. Donald Ayoob, Deputy State Public Defender, argued for Appellant.

Morris Lenk, Deputy Attorney General, argued for Respondent.

Mr. Ayoob replied.

Cause submitted.

S009038 In re Thomas L. Riordan and Robert M. Sanger on Contempt

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People, Respondent

v.

Richard Dean Turner, Appellant

Mr. Riordan is relieved as counsel on appeal and for related habeas corpus proceedings.

Mr. Sanger is designated as sole counsel on appeal and for habeas corpus proceedings.

Mr. Riordan is directed to submit to the court, on or before November 13, 2001, a statement of all fees and expenses paid him thus far, a statement of any services for which he is seeking to be

paid, and, as to both categories, a statement of the value to the court of the work performed for which each payment has been made or is sought. (See Payment Guidelines for Appointed Counsel Regarding Indigent Criminal Appeals in the California Supreme Court, section V.B.)

Mr. Sanger is directed to submit a response thereto on or before November 16, 2001.

Mr. Riordan is found to be in contempt of court. A formal judgment of contempt, specifying the sanctions to be imposed, will be filed at a later date.

The order to show cause re contempt on Mr. Sanger is continued to the March, 2001, calendar.

Mr. Sanger is to submit portions of the Appellant's Opening Brief to the California Appellate Project as they are completed.

Court recessed until 9:00 a.m., Thursday, November 8, 2001.

S100745      In re Jaquan Jerone W., a Minor

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Walter W., Plaintiff and Respondent

v.

Jacqueline W., Objector and Appellant

Upon request of appellant Jacqueline W. for appointment of counsel, Central California Appellate Program is hereby appointed to represent appellant on her appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S099547      In the Matter of the Suspension of Attorneys  
Pursuant to Rule 962, California Rules of Court

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order pursuant to Family Code 17520 filed on August 17, 2001, effective September 1, 2001, be amended nunc pro tunc to strike the name of **Mary Anne Den Bok**.

S099547      In the Matter of the Suspension of Attorneys  
Pursuant to Rule 962, California Rules of Court

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order pursuant to Family Code 17520 filed on August 17, 2001, effective September 1, 2001, be amended nunc pro tunc to strike the name of **J. Melissa Brown**.